

PHARMACY EXAMINING BOARD
REGULAR MEETING
AUGUST 8-9, 2000

MEMBERS PRESENT: John Bohlman, RPH; Charlotte Rasmussen (8/9); Sue Sutter, RPH;
Michael Bettiga, RPH; Cynthia Benning, RPH; Dan Luce, RPH;
Georgina Forbes

MEMBERS EXCUSED: Charlotte Rasmussen (8/8)

LEGAL COUNSEL: William A. Black

STAFF PRESENT Patrick D. Braatz, Karen Rude-Evans

CALL TO ORDER

Chair John Bohlman called the meeting to order on August 8, 2000 at 11:10 a.m.

APPROVAL OF AGENDA

Amendments: -Seymour Drugs
-Examination Discussion - MPJE
-Regulatory Digest
-Bellin Health

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 11, 2000

Amendments: -On page 1, under CALL TO ORDER, change "p.m." to "a.m."
-On page 3, in the heading APPOINT A STEERING COMMITTEE..., change "ACPE" to "AACP".
-On page 3, under APPOINT A STEERING COMMITTEE..., change to read, "...Secretary Cummings or her designee. The Chairman invited the following to be members of the committee: Nathan Kanous or his designee from the UW School of Pharmacy; UW School of Pharmacy Dean Mel Weinswig or his designee; Alan Escovitz, NABP District IV Secretary, or his designee; and a representative from NABP."
-On page 4, under DISCUSSION REGARDING EXAMINATION CHANGES, in the second motion, after the word "administration" insert "until".
-On page 4, under DISCUSSION REGARDING EXAMINATION CHANGES, in the third motion, in the first line delete "and" and replace with "an".

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to approve the minutes of July 11, 2000 as amended. Motion carried unanimously.

SECRETARY CUMMINGS

Secretary Cummings was not available. LeeAnn Cooper presented the proposed protocol for standard drug testing.

FINAL ADOPTION OF ADMINISTRATIVE RULES RELATING TO TRANSFER OF PRESCRIPTION ORDERS

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to not adopt and to rework the rules relating to the transfer of prescription orders. Motion carried unanimously.

MOTION: Dan Luce moved, seconded by Cynthia Benning, to add wording to the rule that the name of the pharmacy that holds the original prescription should be recorded throughout the refill trail. Motion carried unanimously.

Chair John Bohlman appointed Cynthia Benning to work on these changes with legal counsel.

REVIEW OF PROPOSED RULES RELATING TO DISPENSING OF CONTROLLED SUBSTANCES

MOTION: Cynthia Benning moved, seconded by Dan Luce, to have William Black make the changes discussed and then send the proposed rule to the legislative committee. Motion carried unanimously.

REVIEW OF PROPOSED RULES RELATING TO DELIVERY OF PRESCRIPTIONS

MOTION: Sue Sutter moved, seconded by Georgina Forbes, to drop from consideration the proposed rules relating to the delivery of prescriptions. Dan Luce – no. Motion carried.

REVIEW OF PROPOSED RULES RELATING TO DELEGATION OF DUTIES BY A PHARMACIST

MOTION: Dan Luce moved, seconded by Michael Bettiga, to approve the changes from the Clearinghouse and to change the pharmacist to non-pharmacist ratio to an unlimited ratio. Cynthia Benning – no. Motion carried.

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to delete item (2)(d) and to modify item (2)(b). Roll call vote: John Bohlman – no, Sue Sutter – yes, Michael Bettiga – no, Dan Luce – no, Cynthia Benning – yes, Georgina Forbes – yes. Motion failed.

The Board moved to strike item (2)(m), modify general supervision, sub (1), and add transfer duty to sub (3) by consensus. William Black will bring this back with the changes for the next Board meeting.

MOTION: Michael Bettiga moved, seconded by Dan Luce, to strike the pharmacist to non-pharmacists ratio, and to develop a new scope statement reflecting the desired changes to Phar 7.01. Motion carried unanimously.

John Bohlman left the room and Sue Sutter assumed the duties of Chair at 4:02 p.m.

RECESS

The meeting recessed at 4:09 p.m. on August 8, 2000, and will reconvene in the morning

RECONVENE IN OPEN SESSION

Chair John Bohlman called to order and reconvened the meeting at 9:07 a.m. on August 9, 2000.

PRESENTATION OF PROPOSED STIPULATIONS

ST JOSEPH'S HOSPITAL PHARMACY

Attorney Arthur Thexton presented a proposed stipulation in the matter concerning St. Joseph's Hospital Pharmacy. This matter will be deliberated on in closed session.

DEBORAH A TEMEYER, RPH

Attorney Arthur Thexton presented a proposed stipulation in the matter Deborah A. Temeyer, R.Ph. This matter will be deliberated on in closed session.

MARK ANDERSON, RPH

Attorney Arthur Thexton presented a proposed stipulation in the matter concerning Mark Anderson, R.Ph. This matter will be deliberated on in closed session.

CONSTANTINE GEORGALAN, RPH

Attorney Arthur Thexton presented a proposed stipulation in the matter concerning Constantine Georgalan, R.Ph. This matter will be deliberated on in closed session.

GORDON M GWOSDOW, RPH

Attorney Jim Harris presented a proposed stipulation in the matter concerning Gordon M. Gwosdow, R.Ph. This matter will be deliberated on in closed session.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

These reports were informational.

DISTRIBUTOR APPLICATIONS

MOTION: Michael Bettiga moved, seconded by Dan Luce, to approve the distributor applications of **Advantage Logistics, IL, B. Braun Medical, CA, Compass, MS, Integrated Commercialization-Solution, Inc., KY, Northland Veterinary Supply, LTD., Clear Lake, Sigma Aldrich, Inc., MO, and Vet Pharm, Inc., IA.** Motion carried unanimously.

PURITAN-BENNETT MEDICAL GASES, WEST ALLIS

MOTION: Cynthia Benning moved, seconded by Dan Luce, to approve the distributor application of **Puritan-Bennett Medical Gases, West Allis.** Motion carried unanimously.

SEYMOUR DRUGS/ONEIDA NATION

The Board requested that Thomas R. Schellinger, R.Ph., from Seymour Drugs, appear at the next Board meeting, before any action is taken on this request.

WAIVER REQUEST OF CE REQUIREMENT

HARRY J SZELMECZKI

MOTION: Dan Luce moved, seconded by Michael Bettiga, to inform Mr. Szelmeczki that waivers are not given for the CE requirement. Mr. Szelmeczki's pharmacist license was issued for his lifetime, however without the required CE's he does not have a current registration and is therefore not able to practice. Motion carried unanimously.

EXPERT WITNESS OPINION

This item was informational.

DEA POLICY REGARDING WAIVERS

This item was informational.

PRACTICE QUESTIONS

GEORGE ANDREWS, RPH/MINNESOTA PHARMACY SERVICES TO WISCONSIN HOSPITALS

The Wisconsin Pharmacy Examining Board has no jurisdiction over prescriptions mailed from an out of state pharmacy to a Wisconsin hospital or delivered to a nurse at a Wisconsin hospital who is acting as an agent of the patient.

STEVEN NIEBAUER/WEST BEND PHARMACY
SPLITTING UNSCORED TABLETS

The Board suggests the pharmacist use his/her professional judgement on whether to split unscored tablets. Mr. Niebauer should not use the Pharmacy Examining Board's name on his forms.

DANIEL A CHASE, RPH/THECARE AT HOME

William Black will contact Mr. Chase for more information on his proposed plan for Winnebago County Jail before the Board makes a decision.

No variance will be granted for the labeling on punchpaks. It must be labeled like a bottle.

DAVID WANDEL/COLONIAL CLUB SENIOR ACTIVITY CENTER

Pharmacists may participate in this program, however all patient specific information must be retained by the patient and not by the pharmacist or the pharmacy. The Pharmacy Examining Board does not endorse any programs.

JAMIE STATZ-PAYNTER/DEAN PHARMACY

The DEA response to Ms. Statz-Paynter regarding partial prescription fills for controlled substances is adequate.

The last two years of prescription records must be kept onsite at each pharmacy. Years three through five may be kept off-site as long as they are readily accessible. Records are confidential and must remain so, regardless of where they are stored.

MARK A PELTON, RPH/ST MARY'S MEDICAL CENTER, RACINE

The hospital should apply for a variance.

ONLINE PHARMACY ORDERING OFFERED BY MCKESSON AND
FAMILY MED/ARROW

William Black will write to McKesson and FamilyMed/Arrow informing them that ownership of records must be with the filling pharmacy. All records must remain confidential.

REPORT OF PHARMACY INTERNSHIP BOARD

There was no report, as the Pharmacy Internship Board has not met since the last PEB meeting.

REPORT OF CONTROLLED SUBSTANCES BOARD

Cynthia Benning reported the CSB met the previous week. A federal wildlife representative was at the meeting and explained the program for the relocation of bears and wolves. The CSB is developing criteria for wildlife rehabilitators. Cynthia Benning will attend the NASCSA meeting in October. The CSB gave its approval to Ms. Benning to speak to the PSW.

MOTION: Dan Luce moved, seconded by Sue Sutter, to approve Cynthia Benning to attend the NASCSA October meeting and for Ms. Benning to represent the PEB when speaking to the PSW. Motion carried unanimously.

CONTROLLED SUBSTANCE PRESCRIPTION REFILLS PRIOR TO OVERSEAS TRAVEL

Legal counsel received a call regarding a student who will be overseas for nine months and is taking a prescribed controlled substance. A pharmacist has been asked to fill the prescription for the nine months prior to the student's departure. The PEB will leave the refill quantity to the discretion of the pharmacist. Options suggested were a 3-month refill with the possibility of subsequent refills overseas, or mailing subsequent refills overseas if legal with U.S. and foreign laws.

EXAM ISSUES

Duane Dorn addressed the Board and said the written exam was due August 4, 2000. Several candidates did not return the exam. Then next exam will be an essay format.

MPJE

Cynthia Benning reported there are 764 scored questions, 283 pre-test pool questions and 391 pre-test reserve questions.

NABP DISTRICT IV MEETING

Dan Luce reported that a hotel is being secured at this time, and a mailing will go out late summer. Alan Escovitz is working on funding, and the agenda and speakers are being put together. The school cannot solicit funds but can act as a depository for monies collected for NABP. Legal counsel made it clear that checks must not be made payable to the PEB.

REVIEW OF PROPOSED RULES RELATING TO COLLABORATIVE PRACTICE

Medical doctors can delegate any act consistent with Chapters 448 and 450, Wis. Stats. Acts delegated to pharmacists, i.e., adjusting medication doses by following the protocol from the doctor, are deemed “delegated acts.”

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to have William Black write a letter to the Medical Examining Board (MEB) to confirm the MEB’s opinion that s. 448.03 (2)(e), Stats., and Wis. Adm. Code section Med 17.06 properly authorizes a licensed physician to delegate medical acts to pharmacists pursuant to a mutually agreed upon protocol. Motion carried unanimously.

REVIEW OF SCOPE STATEMENT RELATING TO CENTRAL FILL SYSTEM

MOTION: Dan Luce moved, seconded by Sue Sutter, to publish the scope statement relating to central fill system. Motion carried unanimously.

REVIEW OF SCOPE STATEMENT RELATING TO EQUIPMENT REQUIRED AND THE SPECIFICATIONS FOR EACH ITEM OF REQUIRED EQUIPMENT

This item was informational. The scope statement has been published and no action was necessary at this time.

REVIEW OF SCOPE STATEMENT RELATING TO ALLOWING THE NAME OF A PHARMACY SERVICE TO BE IMPRINTED ON PRESCRIPTION BLANK ORDERS

This item was informational. The scope statement has been published and no action was necessary at this time. The Board needs to consider the definition of “services” and would like to review this item at the next meeting.

RECESS TO CLOSED SESSION

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of deliberation of proposed stipulations, considering requests for three month stays of suspension and changes in board orders, reviewing case status reports, discussion of exam issues and consulting with legal counsel. Roll call vote: John Bohlman – yes, Charlotte Rasmussen – yes, Sue Sutter – yes, Michael Bettiga – yes, Dan Luce- yes, Cynthia Benning – yes, Georgina Forbes - yes. Motion carried unanimously.

Open session recessed at 12:27 p.m.

RECONVENE IN OPEN SESSION

MOTION: Charlotte Rasmussen moved, seconded by Georgina Forbes, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:26 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PROPOSED STIPULATIONS

ST JOSEPH'S HOSPITAL PHARMACY

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning St. Joseph's Hospital Pharmacy. Motion carried unanimously.

DEBORAH A TEMEYER, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Deborah A. Temeyer, R.Ph. Motion carried unanimously.

MARK G ANDERSON, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Mark G. Anderson, R.Ph. Motion carried unanimously.

CONSTANTINE GEORGALAN, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Constantine Georgalan, R.Ph. John Bohlman abstained. Motion carried.

GORDON M GWOSDOW, RPH

MOTION: Michael Bettiga moved, seconded by Dan Luce, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Gordon M. Gwosdow, R.Ph. Motion carried unanimously.

STAYS OF SUSPENSIONS/CHANGES IN BOARD ORDERS

PHILIP DALLMAN, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to grant a three-month stay of suspension to Philip Dallman, R.Ph. Motion carried unanimously.

KEVIN PAMPUCH, RPH

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to grant a one-month stay of suspension to Kevin Pampuch, R.Ph., and to inform Mr. Pampuch that he must appear at the next Board meeting with his new therapist. Dan Luce abstained. Motion carried.

ANDREW RICE, RPH

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to grant a three-month stay of suspension to Andrew Rice, R.Ph. Michael Bettiga abstained. Motion carried.

CASE STATUS REPORT

MOTION: Sue Sutter moved, seconded by Charlotte Rasmussen, to close complaint 98 PHM 074 against the pharmacy for no violation. Dan Luce abstained. Motion carried.

EXAMINATION RESULTS

MOTION: Sue Sutter moved, seconded by Dan Luce, to validate the passing exam scores and grant licenses to the following exam candidates: 1001 through 1018, 1020 through 1023, 1025 through 1029, 1034 through 1036, and 1038 through 1040. Candidates 1024 and 1037 did not pass the exam. Motion carried unanimously.

REVIEW OF PROPOSED RULES RELATING TO PHARMACY CONSULTATION EXAMINATION AND CONTINUING EDUCATION

The Board wants to develop rules that would allow the Board to designate up to 15 CE hours in specific topic areas for each biennium. At this time only ACPE approved courses are accepted for CE.

MOTION: Dan Luce moved, seconded by Sue Sutter, to start developing a special mailing to all licensed pharmacists regarding consultation techniques and the importance of consultations. Motion carried unanimously.

INFORMATIONAL ITEMS

The Board reviewed the informational items.

REGULATORY DIGEST

Sue Sutter reported on articles for the upcoming Regulatory Digest.

ADJOURNMENT

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to adjourn the meeting.
Motion carried unanimously.

The meeting adjourned at 4:47 p.m.

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